

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

* * *

SEAN KENNENDY, *et al.*,

Plaintiffs,

VS.

LAS VEGAS SANDS CORP., *et al.*,

Defendants.

2:17-cv-00880-JCM-VCF

ORDER

On July 30, 2018, defendants delivered to chambers, for *in camera* review, a copy of the final audit report which was the subject of defendants' Motion for Protective Order ECF No. 95. The transmittal letter from defense counsel states that additional related documents, including draft versions and information exchanged between the parties, were not provided for review.

I find that three pages of the submission should be produced to plaintiffs, as the staffing information on pages 8 and 9 is relevant to (1) plaintiffs' claim that they were engaged to wait for flight assignments and (2) defendants' assertion, in defense, that the plaintiffs were off duty when not assigned flight duties and thus waiting to be engaged. Accordingly, I have determined that pages 1, 8 and 9 of the VanAllen Corporate Aviation Benchmarking report must be produced.

The documents to be produced are in the 14 page report for “Target Participants,” fleets with five or more aircraft and/or serve VVIP clientele. Five “peer” participants are analyzed in comparison with defendants. Page 1 sets the context for the comparative staffing levels reported on pages 8 and 9. The remainder of the documents submitted *in camera* need not be produced.

This decision is based on the scope of discovery established by Fed. R. Civ. P. 26(b)(1) and does not address relevance of these documents under Fed. R. Evid. 401.

1 IT IS HEREBY ORDERED that, on or before August 7, 2018, defendants must deliver to plaintiffs
2 copies of pages 1, 8 and 9 of the 14 page VanAllen Corporate Aviation Benchmarking report, as described
3 more particularly above.

4 IT IS FURTHER ORDERED that, on or before August 7, 2018, any additional documents not yet
5 produced for in camera review, which relate to the three pages ordered produced, must be delivered to
6 chambers for in camera inspection, including draft versions and information exchanged between the
7 parties. If there are no such additional documents, defense counsel shall file a certification to that effect
8 on or before August 7, 2018.

9 DATED this 1st day of August, 2018.


10 CAM FERENBACH
11 UNITED STATES MAGISTRATE JUDGE

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